

Subject: USAO News Release (indictment attached): Abercia Indicted



Department of Justice

U.S. Attorney's Office
Southern District of Texas

Kenneth Magidson • United States Attorney

FOR IMMEDIATE RELEASE	ANGELA DODGE
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Abercia Indicted

HOUSTON – Long-time Harris County Precinct One Constable Jack Abercia has been arrested along with his Chief Lieutenant Weldon Kenneth Wiener and Office Chief Michael Butler following the return of a 13-count federal indictment, United States Attorney Kenneth Magidson announced today along with FBI Special Agent in Charge Stephen L. Morris.

The sealed indictment was returned Tuesday, Jan. 10, 2012, and was unsealed in its entirety just minutes ago following the arrests of Abercia, 78, Wiener, 72, and Butler, 56, all of Houston.

The indictment charges the all three with conspiracy to violate various federal laws, and charges Abercia and Wiener with unlawfully accessing the National Crime Information Center (NCIC) database on multiple occasions for private financial gain. Abercia and Butler are also charged with bribery in connection with the hiring of an otherwise unqualified applicant for a deputy constable position in return for a cash bribe totaling \$5,000.

“Assistance from the public is often critical in these very important investigations,” said Morris. “Anyone with information about potential wrongdoing by a public official is urged to contact the FBI.”

All three are charged with conspiracy. Abercia and Wiener are charged in 11 counts alleging they accessed the NCIC database or caused another to access it on 11 occasions without authority or in excess of official authority in return for private financial gain. Abercia and Wiener would, according to the indictment, solicit and accept cash bribes in return for having unauthorized criminal background checks run on prospective employees of various businesses. NCIC is restricted to genuine law enforcement purposes. Users must undergo training and screening, have passwords that are monitored and are instructed that the database is not to be used for non-law enforcement reasons nor beyond in the performance of their official duties. While

the indictment charges 11 specific acts of unauthorized access or access in excess of official authority in November 2011, it also alleges the practice had been occurring in the office for a longer period of time.

The bribery charge in the final count of the indictment alleges Abercia and Butler hired an otherwise unqualified applicant to be a deputy constable in exchange for a \$5,000 cash payment. According to the indictment, Butler physically received the money, through an intermediary, and allegedly gave Abercia \$3,000, while keeping \$2,000 for himself.

All three men are expected to appear in federal court later today before U.S. Magistrate Judge Mary Milloy.

If convicted of the conspiracy charge, all three face up to five years in prison. Abercia and Wiener will also face an additional five years in prison for each count of exceeding authorized computer access, while Abercia and Butler could also receive an additional 10 years in prison if convicted of the bribery charge. All 13 counts also include a possible fine of \$250,000 and up to three years of supervised release on each count.

This case was investigated by the FBI Houston Law Enforcement/Border Corruption Task Force with special assistance from the Houston Police Department - Internal Affairs Division and the Texas Rangers and is being prosecuted by Assistant U.S. Attorney Michael Wynne.

***An indictment is a formal accusation of criminal conduct, not evidence.
A defendant is presumed innocent unless convicted through due process of law.***

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